



NATIONAL JUVENILE DEFENDER CENTER
WASHINGTON, DC

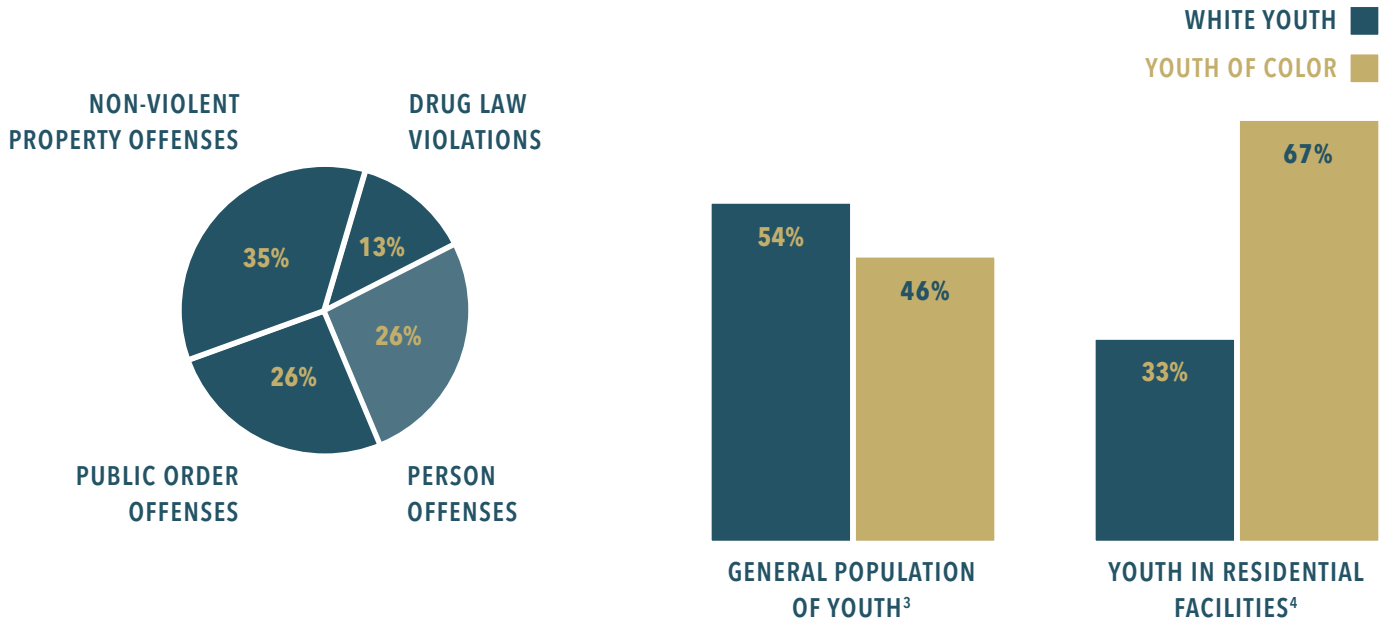
DEFEND CHILDREN

EXECUTIVE SUMMARY

A BLUEPRINT
FOR EFFECTIVE
JUVENILE
DEFENDER
SERVICES

CRISIS IN JUVENILE DEFENSE

America criminalizes childhood, particularly for children of color.¹



Most children are arrested and prosecuted for developmentally normative adolescent misconduct, such as non-violent destruction of property, drug use, and disorderly conduct.²

Throughout the juvenile justice system, a disproportionate number of children of color are arrested, charged, and committed to residential placement.⁵

Youth Still Don't Get Lawyers

Fair and reasonable treatment of children in delinquency courts is virtually impossible without the availability of specialized and highly skilled counsel advocating for the expressed legal interests of the child client. Yet, few children in this country actually receive meaningful access to qualified defense counsel, as constitutionally required in delinquency proceedings.

Too Many Barriers Prevent Effective Juvenile Defense

In most federal, state, local, and tribal jurisdictions, existing juvenile defense delivery systems are inadequate or wholly lacking. Insufficient access to counsel early enough in the process, and problems with the timing and appointment of counsel, in addition to burdensome and lengthy indigence determinations, contribute greatly to the high rates of waiver of counsel. Further, many children languish in costly out-of-home placements due to a lack of post-disposition access to counsel.

Court Practices Are Not Developmentally Appropriate

Many current juvenile court practices and policies criminalizing normative adolescent conduct are inconsistent with positive youth development. Research shows that without any intervention most delinquent behavior desists by early adulthood.⁶

A CALL TO ACTION

THE BLUEPRINT FOR REFORM



01 Champion, Uphold, and Fund Children's Right to Counsel



02 Ensure Meaningful Access to Counsel Throughout the Delinquency Process

Every child who faces arrest, prosecution, or sanctions imposed by the state should be represented by counsel until the child is no longer under the supervision of the justice system.



04 Eliminate Racial and Ethnic Disparities

The over-inclusion and disproportionate treatment of children of color in our juvenile justice system is undeniable. It is critical to address this disproportionality and combat implicit and explicit bias throughout the justice system.



06 Protect the Rights of Youth Who Face Additional Discrimination and Violation of Their Constitutional Rights

Children who face additional risks and barriers to fair treatment require specialized attorneys who are trained to recognize, monitor, and uphold their rights.



03 Implement Strong, Well-Resourced, and Specialized Juvenile Defense Systems

All juvenile defense systems should be sufficiently funded, due process-based, technologically equipped, developmentally sound, and respectful of and responsive to cultural differences.



05 Attract and Retain New and Diverse Talent to the Field of Juvenile Defense

Specific attention must be paid to developing a corps of excellence and attracting a diverse body of talent, expertise, and leadership to the juvenile defense field.



07 Fund and Implement Mechanisms to Collect Data, Conduct Assessments and Court Observations, and Initiate Evaluation and Research

Dedicated juvenile defense research, evaluation, and data collection must be established in order to create a baseline, measure progress, and sustain effective juvenile defense systems.



The National Juvenile Defender Center (NJDC) is a non-profit, non-partisan organization dedicated to promoting justice for all children by ensuring excellence in juvenile defense. NJDC provides support to public defenders, appointed counsel, private counsel, law school clinical programs, and non-profit law centers to ensure quality representation in urban, suburban, rural, and tribal areas. NJDC also offers a wide range of integrated services to juvenile defenders as well as other decision-makers and advocates, including training, technical assistance, advocacy, networking, collaboration, capacity building, and coordination. To learn more about NJDC, please visit www.njdc.info.

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1 SARAH HOCKENBERRY & CHARLES PUZZANCHERA, NAT'L CTR. FOR JUVENILE JUSTICE, JUVENILE COURT STATISTICS 2013 52 (2015).

2 *Id.* at 7.

3 Charles Puzzanchera, Anthony Sladky & Wei Knag, *Easy Access to Juvenile Populations: 1990-2014*, NAT'L CTR. FOR JUVENILE JUSTICE (2016), <http://www.ojjdp.gov/ojstatbb/ezapop/> (narrowed by race, ethnicity, and under age 18 in 2014).

4 Melissa Sickmund et al., *Easy Access to the Census of Juveniles in Residential Placement*, NAT'L CTR. FOR JUVENILE JUSTICE (2015) (narrowed by race, placement status, and under age 18 in 2013). Residential placement includes pre-adjudicatory detention, post-disposition commitment, and placement in facility in lieu of adjudication as part of a diversion agreement.

5 NAT'L CTR. FOR JUVENILE JUSTICE, JUVENILE OFFENDERS AND VICTIMS: 2014 NATIONAL REPORT 175-176 (2014).

6 LAURENCE STEINBERG, ELIZABETH CAUFFMAN & KATHRYN C. MONAHAN, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, U.S. DEP'T OF JUSTICE, PSYCHOSOCIAL MATURITY AND DESISTANCE FROM CRIME IN A SAMPLE OF SERIOUS JUVENILE OFFENDERS (2015).